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C O N F I D E N T I A L SECTION 01 OF 03 COLOMBO 000213

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STATE FOR SA/INS

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TAGS: PGOV PTER PREL CE

SUBJECT: SRI LANKAN GOVERNMENT IN SERIOUS PREPARATIONS FOR
CEASEFIRE TALKS

REF: A. COLOMBO 172

¶B. COLOMBO 152

Classified By: AMB. JEFFREY J. LUNSTEAD. REASON: 1.4 (B,D).

SUMMARY

¶11. (C) The Ambassador's discussion with Health Minister Nimal Siripala de Silva, the head of the Government of Sri Lanka (GSL) delegation to the February 22-23 ceasefire talks in Geneva, along with poloff's separate consultations with staff at the GSL Peace Secretariat, indicate that the new Government, despite its lack of previous negotiating experience with the Liberation Tigers of Tamil Eelam (LTTE), is preparing for the upcoming discussions diligently and thoroughly. Besides seeking guidance from opposition MPs who participated in previous talks, the GSL is enlisting professional negotiating expertise from Harvard University and from an expatriate Sri Lankan now heading the UN Treaty Section. The GSL will not accept expected Tiger arguments that the Government has violated the Ceasefire Agreement through its alleged support to the Karuna faction but will likely concede that activity by "alternate armed groups" in GSL-controlled territory is destabilizing the CFA and must be restrained. The policy director at the GSL Peace Secretariat, who participated as "support staff" in all six

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previous rounds of talks, expressed concern that the LTTE will step up a propaganda campaign to "demonize" the GSL in the eyes of the international community as the date for talks approaches. End summary.

DELEGATION HEAD REFLECTS SERIOUS TONE

¶12. (C) In a February 9 discussion with the Ambassador and DCM, Health Minister and Government of Sri Lanka (GSL) Geneva delegation leader Nimal Siripala de Silva conveyed a sense of

seriousness and purpose as he detailed the delegation's preparations for the cease-fire talks with the Liberation Tigers of Tamil Eelam (LTTE) in Geneva February 22-23. He and the rest of the delegation had already been briefed by G.L. Peiris, the delegation leader for the six rounds of talks that ended three years ago, and former Defense Secretary Austin Fernando. The Geneva delegation will also

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meet over the weekend with previous delegation member Milinda Moragoda. Moreover, they will have an intensive two-day session February 10-11 with Sri Lankan expatriate and former Australian diplomat Dr. Palitha Kohona, who now serves as Chief of the Treaty Section at the United Nations, and from the Harvard Negotiations Project, to discuss methods and strategies.

A PARAMILITARY BY ANY OTHER NAME . . .

¶3. (C) De Silva quickly focused on the fact that the Karuna faction of the LTTE did not fall under Section 1.8 of the Ceasefire Agreement (CFA) that dealt with "paramilitaries" and reminded the Ambassador that when Karuna broke away from the LTTE in the spring of 2004, the LTTE had described it as "an internal matter" in which the GSL should not interfere. The Ambassador noted that de Silva might be right but suggested the Karuna issue might best be approached not in a legalistic way but rather with a recognition that the GSL has an obligation to maintain law and order regardless of who the perpetrators of violence might be. De Silva took the point.

¶4. (C) In a separate February 9 meeting with poloff, GSL Peace Secretariat Policy Director Shanaka Jayasekera echoed

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de Silva's position that Karuna is not covered under the CFA section on paramilitaries, arguing that Karuna and his cadres should be considered an "alternate armed group" (as the Sri Lanka Monitoring Mission (SLMM) describes them), rather than "paramilitaries." There is a "culture of impunity (regarding matters of) "law enforcement" in some areas under GSL control, he said, and the government must enforce the laws in its own territory. While the GSL delegation will stress that the government is not/not in violation of Article 1.8 of the CFA, which refers specifically to paramilitaries, the GSL is prepared to acknowledge problems with "alternate armed groups" and commit to take measures to restrain them, he indicated.

ON THE AGENDA:
COMPLAINTS AND CONFIDENCE BUILDING

¶5. (C) De Silva told the Ambassador and DCM that the GSL agreed completely with the LTTE that the only focus in Geneva will be on ceasefire agreement implementation and in building trust so that there will be future meetings. "We'll talk about final solutions later." There are "a number of gray areas"--undefined confidence-building measures--the GSL team hopes to discuss with the LTTE in Geneva, he said. The Ambassador noted that the Tigers would almost certainly raise the issue of High Security Zones (HSZs) in Jaffna and asked how the GSL would respond. De Silva said he understood the importance of the issue but suggested that for the GSL to move on the HSZs, the Tigers would have to agree to move back or place under some sort of third-party control their "long range weapons." He did not know if the Tigers would be willing to enter into such a discussion. He said he planned to raise LTTE recruitment of child soldiers in Geneva.

¶6. (C) Jayasekera told poloff that discussion of the

ceasefire was the only item on the agenda. Over time the original purpose of the ceasefire agreement has been diminished to a virtual "scorecard" of how many violations each side has committed; "we have to get back to the spirit of the agreement," he observed. There are a number of inadequacies in the CFA as written, he commented; for example, it does not cover such areas as human rights, under-age recruitment; "democratic space" (comment: GSL code for allowing dissent, exercise of voters' rights in LTTE-controlled areas); and, of course, "alternate armed groups." The LTTE is likely to raise HSZs, disappearances, abductions, and harassment of Tamils, he predicted. The Peace Secretariat is preparing briefing papers on each point (with possible negotiating and fallback positions) for the President and the delegation to review, he noted. Jayasekera added that he expects any decision on a follow-up meeting--and perhaps even more important, its venue--would be made at the table in Geneva.

DELEGATION COMPO8U[

H7Ec#DQQ. (C) De Silva said the Sinhalese nationalist Janatha Vimukthi Peramuna (JVP) would not participate in the delegation. While the final composition of the delegation has not been announced, he confirmed that Trade Minister Jeyaraj Fernandopulle, a Tamil speaker, and Investment Minister Rohitha Bogollagama will be members. In addition, there will be a four- to six-member "back-up" team. De Silva noted that while he has no previous negotiating experience with the Tigers, he has had direct experience with them as a victim of a suicide bombing in Jaffna in 1997, which killed 29 people around him and from which he still has shrapnel in the head. He commented that the Tigers may walk away from the talks, but he will make a maximum effort to "retain them

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at the table."

18. (C) Jayasekera told poloff that the GSL delegation would likely include six members (to balance the six members already announced by the LTTE)--the three ministers and three technocrats. Former Peace Secretariat head Jayantha Dhanapala would not attend (he is on a whistle stop tour of 15 UN Security Council member countries campaigning for the post of UN Secretary General), but his former deputy and current Secretariat head John Gooneratne might. In addition, Jayasekera indicated, there would be about six or so "support staff." A veteran of the previous six rounds of negotiations held under the United National Party (UNP) government, Jayasekera expects to be one of the upport-staff "back-benchers." He confirmed there would also be a Muslim member of the delegation (local press speculation has focused on Ceylon Workers Congress MP Faiz Mustapha) not because of his ethnicity and not as a representative of the Muslim community, but because of his "legal expertise." (Comment: This is a way of sidestepping perennial Muslim demands for a separate delegation to talks and persistent LTTE refusals to consider such a measure.)

WHAT IS THE LTTE UP TO?

19. (C) Jayasekera indicated strong suspicions of the LTTE's sincerity in pursuing dialogue. Since December 4--only a few weeks after Mahinda Rajapaksa's election as president--the LTTE's campaign of violence has killed 89 members of the security forces. We have to ask ourselves why the LTTE did that, Jayasekera said. He speculated that the LTTE, banking on Mahinda Rajapaksa's reputation as a hardliner, had tried to provoke a harsh military response to its attacks on the security forces, in order to win international credit/sympathy and relegate Rajapaksa's government to the international doghouse. When Rajapaksa refused to take the bait and instead showed great restraint, the LTTE was unable

to paint the GSL as racists/human rights abusers and was basically forced by international pressure--including, he observed, the visit by Under Secretary Burns--to agree to talks in Geneva, Jayasekera said. With its initial plans thus thwarted, Jayasekera continued, the LTTE may be just biding its time, waiting for another opportunity to try to force the GSL off the moral high ground it now occupies. Recent allegations of GSL-backed "paramilitaries" abducting Tamil Rehabilitation Organization (TRO) staff (Ref A) may be an attempt to do just that, he theorized, and predicted a Tiger propaganda onslaught aimed at "demonizing" the GSL in the run-up to Geneva. He added that he expects the LTTE may even seek some pretext to walk out of the Geneva talks.

COMMENT

¶10. (C) The GSL knows it has a steep learning curve when it comes to the Tigers and seems to be working hard to narrow the gap. However suspicious the GSL may be of Tiger motives, it is taking this opportunity for re-engagement seriously. It is obviously important to the GSL not to admit either any support for Karuna or any willful violation of the CFA, but it is also important that the Government take firm and immediate steps to curb violence in areas under its control. We hope the legalistic demurring over whether Karuna is or is not covered under the CFA does not prevent productive discussion--and the necessary follow-up actions--on this issue.

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